

Chairman Lowell Johnson called the regularly scheduled meeting to order at 10:02 a.m. with Commissioners Boyle, Lowell Johnson, Rod Johnson, Landis and Vap present. Chairman Johnson also invited the public to address the Commission at any point during the meeting. He also announced that a copy of the Nebraska Open Meetings Act was available in the meeting room.

GENERAL ADMINISTRATION

Notice was duly published September 19, 2006 on Page 8 of The Daily Record that the regular public meeting of the Commissioners of the Nebraska Public Service Commission would be held September 26, 2006 at 10:00 a.m. in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln.

Attention was called to the following proceedings:

Wednesday, September 27, 2006:

NG-0037 Commission Hearing Room, Lincoln.
10:00 In the Matter of NorthWestern Corporation, d/b/a NorthWestern Energy, Sioux Falls, South Dakota; Babcock & Brown Infrastructure Limited, BBI US Holdings Pty Ltd., Sydney NSW 2000, Australia; BBI US Holdings II Corp., and BBI Glacier Corp., San Francisco, California, seeking approval of the proposed change in control of NorthWestern Corporation. Commissioner Jerry Vap presiding as Hearing Officer.

LR-270 Commission Library, Lincoln, and Nebraska State Office
1:30 Building, Room 207, 1313 Farnam Street, Omaha. In the Matter of VIP Limousine, Omaha, seeking authority to adjust its rates and charges. Commissioner Boyle presiding as Hearing Officer.

Friday, September 29, 2006:

9:30 State Capitol, Lincoln.
Legislative hearings on LR 350 and 351.

COMMUNICATIONS DEPARTMENT

AD-357r In the Matter of Norris Public Power District, Beatrice, seeking authority to register and connect an automatic dialing-announcing device: Motion made by Commissioner Frank Landis, seconded by Commissioner Rod Johnson, to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis and Jerry Vap voting AYE.

COMMUNICATIONS DEPARTMENT (Cont.)

AD-358r In the Matter of Helvey & Associates, Inc., Warsaw, Indiana, seeking authority to register and connect an automatic dialing-announcing device: Motion made by Commissioner Anne Boyle, seconded by Commissioner Jerry Vap, to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis and Jerry Vap voting AYE.

C-3581/ In the Matter of HunTel Cable Vision, Inc., d/b/a HunTel
NUSF-55 Communications, Blair, seeking designation as an Eligible Telecommunications Carrier (ETC) in its designated service area in the state of Nebraska. Commissioner Vap presiding as Hearing Officer: Motion made by Commissioner Anne Boyle, seconded by Commissioner Jerry Vap, to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis and Jerry Vap voting AYE.

C-3583/ In the Matter of Three River Communications, LLC, Lynch,
NUSF-56 seeking designation as an Eligible Telecommunications Carrier (ETC) in the state of Nebraska. Commissioner Vap presiding as Hearing Officer: Motion made by Commissioner Jerry Vap, seconded by Commissioner Frank Landis, to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis and Jerry Vap voting AYE.

C-3686 In the Matter of First Communications, LLC, Akron, Ohio, seeking authority to provide resold interexchange telecommunications services throughout the state of Nebraska: Motion made by Commissioner Frank Landis, seconded by Commissioner Jerry Vap, to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis and Jerry Vap voting AYE.

C-3691 In the Matter of United Telephone Company of the West, Overland Park, Kansas, seeking authority to change its trade name from Sprint to Embarq: Motion made by Commissioner Anne Boyle, seconded by Commissioner Frank Landis, to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis and Jerry Vap voting AYE.

CC 01-92 Gene Hand updated the Commission on the industry sponsored Missoula Comprehensive Intercarrier Compensation Reform Plan: A workshop was scheduled for October 4, 2006, at 1:30 p.m. in the Commission Hearing Room, Lincoln, where the public and telecommunications industry will have the opportunity to share their views of the Missoula Plan with the Commission. Initial comments to the Federal Communications Commission (FCC) are due on October 25, 2006.

COMMUNICATIONS DEPARTMENT (Cont.)

Motion made by Commissioner Jerry Vap, seconded by Commissioner Frank Landis, to enter an order approving applications C-3669 through C-3688. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis and Jerry Vap voting AYE.

C-3669 In the Matter of Qwest Corporation, Denver, Colorado, seeking an Omaha Forbearance Order ("OFO") interconnection agreement with Trinsic Communications, Tampa, Florida, previously approved in Docket C-2561.

C-3671 In the Matter of Qwest Corporation, Denver, Colorado, seeking an Omaha Forbearance Order ("OFO") amendment to an interconnection agreement with LH Telecom, Inc., Des Moines, Iowa, previously approved in Docket C-3220.

C-3688 In the Matter of Qwest Corporation, Denver, Colorado, seeking a Triennial Review Order and Triennial Review Remand Order ("TRO/TRRO") amendment to an interconnection agreement with Pinpoint Communications, Inc., Cambridge, previously approved in Docket C-2605.

E-2125 In the Matter of Loup River Public Power District, Columbus seeking authority to construct, operate and maintain electric transmission lines in Nance County: Motion made by Commissioner Anne Boyle, seconded by Commissioner Frank Landis, to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis and Jerry Vap voting AYE.

Gene Hand updated the Commission on the status of the Annual Report to the Legislature scheduled for filing on September 29, 2006.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT

911-020/
DC-73 In the Matter of Jeffrey L. Pursley, Director, Nebraska Telecommunications Infrastructure and Public Safety Department, Complainant, v. Budget Phone, Inc., d/b/a Budget Prepay; BullsEye Telecom, Inc.; Excel; Ionex Communications North, Inc., a/k/a Birch Telecom, Inc.; MCImetro Access Transmission Services, LLC; NOS Communications, Inc.; Orbitcom.com; and Vartec, Respondents. Commissioner Vap presiding as Hearing Officer: Jeff Pursley reported on the Hearing Officer's Order entered September 19, 2006, continuing the September 19, 2006 hearing to a date later to be determined and scheduling an oral argument for October 4, 2006, at 10:00 a.m. in the Commission Hearing Room, Lincoln.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT (Cont.)

911-026/ In the Matter of the Commission, on its own motion, seeking
PI-122 to determine Enhanced Landline 911 surcharge payment
requirements for interconnected Voice Over Internet
Protocol Providers (VoIP): Motion made by Commissioner Frank Landis,
seconded by Commissioner Rod Johnson, to enter an order opening the
docket, seeking comments, and scheduling a hearing for December 5,
2006 at 1:30 p.m. in the Commission Hearing Room, Lincoln. Motion
passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson,
Frank Landis and, Jerry Vap voting AYE. Commissioner Landis was
appointed Hearing Officer. Comments are due on or before October 30,
2006.

Angela Melton reported on the Wireless E-911 Advisory Board
Meeting held on September 15, 2006 in Kearney.

Jeff Pursley informed the Commission that the next Wireless
E-911 Advisory Board meeting is scheduled for October 20, 2006 at 1:00
p.m. in the Commission Library, Lincoln.

NUSF-1/ In the Matter of the Commission, on its own motion, seeking
PO #18 to establish guidelines for administration of the Nebraska
Universal Service Fund. Commissioner Landis presiding as
Hearing Officer: Motion made by Commissioner Frank Landis, seconded
by Commissioner Rod Johnson, to enter an order seeking testimony due
on or before October 30, 2006 and scheduling a hearing for December 5,
2006 at 1:30 p.m. in the Commission Hearing Room, Lincoln. Motion
passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson,
Frank Landis and Jerry Vap voting AYE.

NUSF-25 In the Matter of the Commission, on its own motion, seeking
to establish guidelines for the purpose of certifying the
use of federal universal service support: Motion made by Commissioner
Frank Landis, seconded by Commissioner Rod Johnson, to enter an order
certifying a Nebraska carrier to the FCC for high-cost support and
correcting a carrier name in Progression Order #15. Motion passed
with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank
Landis and Jerry Vap voting AYE.

NUSF-37.83 In the Matter of Jeffrey L. Pursley, Director, Nebraska
Universal Service Department, Complainant, v. Access Point,
Inc., Respondent: Motion made by Commissioner Rod Johnson, seconded
by Commissioner Frank Landis, to enter an order dismissing the com-
plaint. Motion passed with Commissioners Anne Boyle, Lowell Johnson,
Rod Johnson, Frank Landis and Jerry Vap voting AYE.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT (Cont.)

NUSF-37.98 In the Matter of Jeffrey L. Pursley, Director, Nebraska Telecommunications Infrastructure and Public Safety Department, Complainant, v. TON Services, Inc., Respondent: Motion made by Commissioner Rod Johnson, seconded by Commissioner Frank Landis, to enter an order dismissing the complaint. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis and Jerry Vap voting AYE.

NUSF-55/ In the Matter of HunTel CableVision, Inc., d/b/a HunTel
C-3581 Communications, seeking designation as an eligible telecommunications carrier (ETC) that may receive federal and state universal service support: An order was entered granting the application under the Communications Agenda.

NUSF-56/ In the Matter of Three River Communications, LLC, seeking
C-3583 designation as an eligible telecommunications carrier (ETC) that may receive federal and state universal service support: An order was entered granting the application under the Communications Agenda.

NUSF-58 In the Matter of the Commission, on its own motion, seeking Access Point to Show Cause why its Certificate of Public Convenience and Necessity should not be revoked and should not be assessed administrative penalties. Commissioner Rod Johnson presiding as Hearing Officer: Motion made by Commissioner Jerry Vap, seconded by Commissioner Frank Landis, to enter an order dismissing the Show Cause and canceling the hearing previously scheduled for September 26, 2006. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis and Jerry Vap voting AYE.

CC 01-92 A workshop was scheduled during the Communications Department agenda for October 4, 2006, at 1:30 p.m. in the Commission Hearing Room, Lincoln, for the purpose of gathering input from the industry on the Missoula Plan.

Jeff Pursley reported on Late-Filed Carrier Remittances: Motion made by Commissioner Anne Boyle, seconded by Commissioner Frank Landis, to levy a late fee against Allo Communications for the late-filed August, 2006 Remittance Worksheet and that complaints be opened against BullsEye Telecom, Inc., McGraw Communications and Talk America, Inc. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Frank Landis and Jerry Vap voting AYE.

RULES AND REGULATIONS

Rule and In the Matter of the Commission, on its own motion, seeking
Regulation to amend Title 291, Chapter 5, Telecommunications Rules
#159 and Regulations, to add rules for the administration of the
Telecommunications Relay Systems Act: Motion made by Com-
missioner Frank Landis, seconded by Commissioner Jerry Vap, to enter
an order opening the docket and seeking comment. Motion passed with
Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis
and Jerry Vap voting AYE.

Rule and In the Matter of the Commission, on its own motion, seeking
Regulation to amend Title 291, Chapter 12, Manufactured Housing Rules
#162 and Regulations, previously written under Title 178, Chap-
ter 16, through Health and Human Services and to create an
Ad Hoc Committee; correct technical errors, grammar, punctuation,
spelling, sequential numbering and the like; and to reprint the chap-
ter in its entirety: Motion made by Commissioner Frank Landis,
seconded by Commissioner Rod Johnson, to enter an order proposing a
second set of rules, seeking public comment and scheduling a hearing
for November 28, 2006 at 1:30 in the Commission Hearing Room, Lincoln.
Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod
Johnson, Frank Landis and Jerry Vap voting AYE. Commissioner Vap was
appointed Hearing Officer.

LEGISLATIVE REPORT

Motion made by Commissioner Anne Boyle, seconded by Commis-
sioner Rod Johnson, to approve the following legislative proposals for
the 2007 session. Motion passed with Commissioners Anne Boyle, Lowell
Johnson, Rod Johnson, Frank Landis and Jerry Vap voting AYE.

- Legislation to modify the definition of "Telecommunications Company" to clarify that interconnected Voice over Internet Protocol Service Providers fall within the definition consistent with recent FCC orders.
- Legislation to amend NUSF policy statement to be consistent with the recent FCC orders.
- Legislation to amend the Enhanced Wireless 911 Services Act to require wireless carriers to pursue non-payment of the Wireless E911 surcharge by subscribers as they would under their normal collection practices consistent with the current requirements of the NUSF.
- Legislation to amend the Enhanced Wireless 911 Services Act to exempt paging companies and others whose devices are not capable of dialing 911 from the requirement to collect and remit the Wireless E911 surcharge.

LEGISLATIVE REPORT (Cont.)

- Legislation to amend the Enhanced Wireless 911 Services Act to make wireless carriers liable for the costs of audits consistent with the current requirements of the NUSF.
- Legislation to amend the Telecommunications Relay System Act to require carriers to pursue non-payment of the Telecommunications Relay System Surcharge by subscribers as they would under their normal collection practices consistent with the current requirements of the NUSF.
- Legislation to modify the membership of the Enhanced Wireless 911 Advisory Board to include a representative of the State Patrol and a representative of the general public.
- Legislation to amend the Emergency Telephone Communications Systems Act to clarify that Voice over Internet Protocol Service Providers must collect and remit the landline 911 surcharges imposed by local government.
- Legislation to create a registry of all unregulated telecommunications providers and information service providers.
- Legislation to give the Commission limited authority over wireless carriers to resolve consumer billing and contract disputes.
- Legislation to exempt municipal occupation taxes from sales tax.

TRANSPORTATION DEPARTMENT

B-1613 In the Matter of Rick Holloway, d/b/a Taxi Specialties, Specialties, Lexington, seeking a suspension of the Certificate of Public Convenience and Necessity in Docket B-1613 until September 22, 2007: Motion made by Commissioner Anne Boyle, seconded by Commissioner Jerry Vap, to enter an order granting the suspension of the Certificate of Public Convenience and Necessity in Docket B-1613 until September 22, 2007. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis and Jerry Vap voting AYE. The hearing previously scheduled for September 25, 2006 was continued to a date later to be determined.

LR-270 In the Matter of VIP Limousine, Omaha, seeking authority to adjust its rates and charges. Commissioner Boyle presiding as Hearing Officer: Mark Breiner reported that a Hearing Officer's Order was entered on September 19, 2006 continuing the hearing previously scheduled for September 20, 2006 to September 27, 2006 at 1:30 p.m. in the Commission Hearing Room, Lincoln.

TRANSPORTATION DEPARTMENT (Cont.)

Rate Division

MR-930 In the Matter of Movers and Warehouse Division, Nebraska
 Motor Carriers Association, Lincoln, seeking authority to
establish a fuel surcharge in Nebraska Official Household Goods Tariff
7-F: The fuel surcharge was decreased to 60 cents per mile.

HOUSING AND RECREATIONAL VEHICLE DEPARTMENT

Mark Luttich distributed to the Commission an annual
performance review letter from the Department of Housing and Urban
Development (HUD) that again rated the Commission's manufactured home
inspection program as adequate. Mr. Luttich advised the Commission
that this is the highest rating allowable from HUD.

Mark Luttich updated the Commission on the horse/cargo
trailer conversion issue since the press release on the same issue,
including his interview by KRVN radio in Lexington.

Mark Luttich briefed the Commission on the out-of-state
manufactured home inspection contract he and Mark Breiner originated.
HUD has shown interest in the contract mentioning the contract's
ability to protect the consumer without over-burdening the home
manufacturer.

GENERAL ADMINISTRATION

Commissioner Landis stepped out of the Commission Hearing
Room.

Motion made by Commissioner Jerry Vap, seconded by Commis-
sioner Anne Boyle, to approve the following Commission invoices.
Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod
Johnson and Jerry Vap voting AYE, and Commissioner Frank Landis
excused not voting.

DAS Communications	\$ 3,440.06
Larry Fauss	960.00
Hearing Aid Specialists Inc.	573.90
Anne Boyle	46.47
Frank Landis	72.98
Gerald Vap	710.22

NEBRASKA EQUIPMENT DISTRIBUTION PROGRAM

Aksarben TDD Service	1,963.70
Alternative Hearing	1,550.00
Associated Hearing Health	591.85
B Hear Inc	5,170.44

GENERAL ADMINISTRATION (Cont.)

Beltone	\$ 5,341.55
Fontel Inc	868.25
Grand Island Hearing Aid Center	1,097.64
Hamilton Telecommunication	214.90
Harris Communications	1,442.30
Hearing Clinic Inc.	970.00
Carl A. Johnson JR.	1,171.70
Johnson Hearing Aid Service	192.95
K-D Communications	7,862.80
League of Human Dignity	357.15
McCook Pharmacy & Medical Supply	491.55
Professional Hearing Aid Services	2,079.40
Sherard Hearing Aid Center	119.00
Sound Clarity Inc.	222.15
Teltex	1,838.80
Weitbrecht Communications	4,464.15
Western ENT Associates	149.95
Associated Hearing Health Care	450.20

Upon agreement of all Commissioners present, authorization was granted for Gene Hand to travel to and attend the Regional Oversight Committee Meeting to be held in Rapid City, South Dakota from October 16 through 19, 2006.

Andy Pollock and the Commissioners discussed proposed changes to the Commission Policy Manual.

Motion made by Commissioner Anne Boyle, seconded by Commissioner Jerry Vap, to approve the Executive Director's recommendation on probation of a Nebraska Telecommunications Infrastructure and Public Safety Department employee. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson and Jerry Vap voting AYE, and Commissioner Frank Landis excused not voting.

The meeting adjourned at 11:13 a.m. with Commissioners Boyle, Lowell Johnson, Rod Johnson and Vap present, and Commissioner Landis excused. The next regularly scheduled meeting will be held on October 3, 2006, at 10:00 a.m. with an agenda to be available in the office of the Executive Director at 10:00 a.m. on October 2, 2006.

Chairman

Executive Director